

COMMUNICATION
DATE 2/18/2014
AGENDA ITEM # 6.06

Martha R. Lang, Ph.D.
138 Colchester Avenue
Burlington, VT 05401
(802) 862-1094

PF handout
2/10/14
cc mtg

February 10, 2014

President Shannon and
Burlington City Councilors
City Hall
149 Church Street
Burlington, VT 05401

At their meeting of 2/18/2014
the Burlington City Council voted to
waive the reading, accept this communication
and place it on file.

and send copies to the Board of Finance and BSD
Superintendent Collins.
Attest: *[Signature]*

Re: 118 North Champlain Street and Taft School Leases

Dear President Shannon and Burlington City Councilors:

1. 118 North Champlain Street. The Burlington School Department was given permission by the Burlington Board of Finance to purchase 118 North Champlain Street on April 20, 2011. The school department "was reminded [by the Board of Finance] of the housing replacement costs under City ordinance." They were buying a residential unit and converting it to institutional use, so they must apply for a zoning permit.

They purchased the building on June 3, 2011 for \$170,200 and then they spent \$69,194 for renovations. They did not apply for a zoning permit. If they cannot get a permit to occupy the building, that is a potential waste of \$240,000 of taxpayers' money. This is in addition to the \$210,000 they spent to buy 59 Murray Street which they did not occupy.

2. Estate of Elihu B. Taft. For thirty years the Burlington School Department ignored the Probate Court Order to provide the Attorney General's office with information on Taft School leases. Even worse, the lawyer representing the school department in 1980 was William Sorrell, who is now the Attorney General.

Probate Court
Chittenden District
November 20, 1980

"...copies of all executed leases or currently contemplated leases of space within the Taft School building." John Cain, Probate Judge.

Chittenden Superior Court
September 18, 2008

One of the findings was:

"...City failed to provide any such notification to the Attorney General as to any rent use of the building, especially by Burlington Telecom."


Page 2. Letter February 10, 2014, Martha R. Lang.

Some of the tenants that the City did not notify the Attorney General's office about included The University of Vermont, Burlington Friends of Music, The Lake Champlain Committee, and Campus Area Transportation Management Association.

From just these two examples, there appears a pattern of the Burlington School Department ignoring the law.

Thank you.

Sincerely,

A handwritten signature in cursive script, reading "Martha R. Lang". The signature is written in dark ink and is positioned above the printed name.

Martha R. Lang

cc:

Sorrell, William, Attorney General, The State of Vermont



OFFICE OF THE CLERK/TREASURER City of Burlington

City Hall, Room 20, 149 Church Street, Burlington, VT 05401

Voice (802) 865-7000
Fax (802) 865-7014
TTY (802) 865-7142

BOARD OF FINANCE APRIL 20, 2011

MINUTES OF MEETING

Mayor Kiss convened the meeting of the Board of Finance at 6:20 p.m. with all members present except Councilor Kehoe.

1. Agenda

The agenda was amended by postponing Item #7: McClure Building Lease to the following meeting. Councilor Wright asked that the Annual Report be placed on the next meeting agenda as well.

2. a. BED: Revenue Bond Request

Councilor Paul made a motion, seconded by Councilor Mulvaney-Stanak, to approve moving this item forward to the Council with the request that it be put before the voters at a special election. Barbara Grimes, Daryl Santerre and Ken Nolan of Burlington Electric were present to answer questions regarding the request. It was explained that due to the General Obligation Bond request being defeated at the polls, BED was now requesting a Revenue Bond. This action would require a lower percentage threshold for passage. They explained that passage of the revenue bond would allow BED to move forward with the Smart Grid concept, paid in part by a Department of Energy grant, as well as making two investments in VELCO resulting in a guaranteed rate of return of 12.5%.

Councilor Bushor questioned why people were upset with the Smart Grid concept and asked for additional information. Spencer Newman, Chair of the BED Commission, and Bob Herendeen and Paul Hines, both members of the Commission, spoke to the Board about radio frequency and privacy concerns of the public and expressed the need to move forward with this program. The motion then passed unanimously.

b. BED: Hydro Quebec

Barbara Grimes and Ken Nolan of BED both explained the need to put this item to a vote at a special election. The contract with Hydro Quebec was explained to the Board members, with the first delivery being in 2015 and the contract termination date of 2038. It was noted this is a New England-wide contract. The rate adjustments within the contract were explained to the Board. Discussion from the BED Commission regarding rate stability, the renewable energy status and the need to allow the public to vote on this matter ensued.

At this time the Mayor left the room briefly to attend to another matter. Councilor Mulvaney-Stanak took his place as Chair. A motion to consider this item was not made, but by a vote of 2 to 1 the Board approved moving this item forward to the Council with the request that it be put before the voters in a special election. Councilor Mulvaney-Stanak voted against.

3. Request – Land Purchases: AIP-84 and AIP-87 (Methot and Morrill)

Councilor Paul made a motion to approve AIP-84 and AIP-87, seconded by Councilor Wright. The Mayor returned to the meeting. Gene Richards, Chair of the Airport Commission, Robert McEwing, Interim Director of the Airport and Tamara Gagne, Business Manager, were available to answer questions of the Board. The two properties were the last two that were being purchased with FY10 funds. The motion then passed unanimously.

4. Schools: Purchase of 118 North Champlain Street

Councilor Paul made a motion, seconded by Councilor Mulvaney-Stanak, to approve the purchase. Keith Pillsbury, Chair of the School Board, Terry Bailey of the School Department and Colin McNeil from McNeil, Leddy and Sheahan explained to the Board that it was an obligation of the School District that they provide a life training skills program and this housing unit would provide that opportunity. The School Department was reminded of the housing replacement costs under the City ordinance. Councilor Brennan who was in attendance praised Mr. Bailey for his vision in this effort. The motion then passed unanimously.

5. Bond Anticipation Note Placement

CAO Leopold explained this BAN would enhance the Airport's cash flow and provide short term financing for the new garage. Councilor Paul had a number of questions regarding this placement, including the fact that the letter from TD Bank provided financing for \$22 million. CAO Leopold stated the final amount being requested would be up to \$20 million and would need to be approved by the City Council. Councilor Paul made a motion, seconded by Councilor Wright, to approve the letter of engagement for the Bond Anticipation Note for an amount up to \$20 million. The motion then passed unanimously.

6. C/T: Grant Anticipation Note Placement

Councilor Paul made a motion, seconded by Councilor Mulvaney-Stanak, to approve the Grant Anticipation Note. The motion passed unanimously.

7. McClure Building Lease (information forthcoming)

This item was postponed.

8. C/T: Sullivan and Powers

CAO Leopold informed the Board that Sullivan and Powers would need to resign from their role as the City's auditor due to a family conflict. The conflict involves the upcoming marriage of a City Councilor to a close family member of Mr. Duplessis. The CAO offered options to begin the process of acquiring another auditor including sending out RFP's while having Sullivan & Powers do the prep work needed for a new auditor. Councilor Paul stated her preference of having the Audit Advisory Committee make the determination of how to move

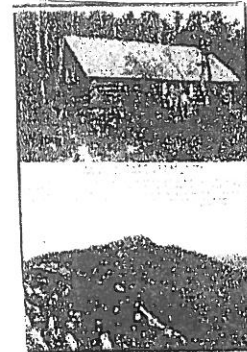
Elihu B. Taft

A Short Biography

Elihu B. Taft, son of Eleazer and Ellen Barber Taft, was born in Williston, Vermont on March 25, 1847. He attended Williston Academy and the University of Vermont (1867-1871). After taking his degree in 1871, Taft studied law at the firm of Wales and Taft in Burlington. He was admitted to the Chittenden County Bar in 1873. He married Lucia A Johnson in 1875, and the couple resided in Burlington thereafter. On the motion of E.J. Phelps, at the February term, 1879, Taft was admitted as an attorney in the U.S. District and Circuit Courts. He was appointed U.S. deputy collector of internal revenue of the third district of Vermont in 1874, and served until he resigned in 1881. Taft was active politically on both the local and state levels. He served several terms as school commissioner and as one of the Board of Aldermen of the City of Burlington. In 1888 he was elected senator for Chittenden County, and served one term. His extensive travels included trips to Yellowstone National Park, Yosemite Valley, Mexico and the southwestern United States (1887), Europe, the middle east, and Asia (1889). In 1894 he attended the Columbian Exposition in Chicago, and wrote a paper on what he saw. Taft was a Republican and a Free Mason, and he reached the 33rd degree before his death in 1929.



Elihu B. Taft



Taft Lodge
Mount Mansfield

LAST WILL AND TESTAMENT.

I, ELIHU B. TAFT, of the City of Burlington, make this my LAST WILL AND TESTAMENT revoking all other Wills made by me.

I leave nothing to my legal heirs.

I leave nothing in my Will to my faithful house-keeper, Alice Hurson, as I have otherwise provided for her.

I direct my Executors, within one year after my death, to erect a monument on my cemetery lot, like the sketch I leave herewith of light colored Barre granite with four corner posts of the same stone with a plain letter "T" on them.

To the City of Burlington, I give FIVE HUNDRED DOLLARS(\$500.) for the perpetual care and adornment of my lot in Lake View Cemetery, if I shall not have already so provided in my lifetime.

To my Executors I give certain remembrances which I wish distributed according to a written memorandum which I have prepared and will leave with my Will.

My homestead property at the southeast corner of Pearl and William Streets in the City of Burlington, Vermont, I give and bequeath to the CITY OF BURLINGTON, VERMONT, to be kept and maintained for school purposes,- the buildings thereon to be torn down and the front steps and terrace removed, as they extend into the street.

The rest and residue of my estate , real and personal, and wherever situated, I give and devise to the CITY OF BURLINGTON, VERMONT, with which to build a school house on my homestead lot as herein provided.

I wish a plain and substantial building of red brick

to be built and trimmed with Barre granite. I would suggest a one or two story building, with no tower or belfry, as the funds on hand will permit. The size and cost of said building to be determined by my Executors and the Building Committee of the Board of School Commissioners at the time when my Executors decide. there is money enough on hand in my estate to build the same. Said building shall be called the "ELIHU B. TAFT SCHOOL".

If at my death the residue of my estate, which I have herein given to build a school building, in the judgment of my Executors is not sufficient for that purpose then I direct my Executors and authorize them to invest and re-invest such residue- say five or ten years- until such residue shall in their judgment be sufficient to build such school building.

I trust the School Commissioners will maintain a bed of flowers in front of said school building, both on Pearl and on Williams Street.


In case the City of Burlington shall not within two years after the probate of my will accept the gift of my homestead premises and the residuary portion of my estate in this Will contained, upon the conditions specified therein, or in case said homestead premises and any buildings at any time standing thereon shall not be kept or used by the City of Burlington for school purposes(except as same may be made use of by my Executors while my estate is being settled or accumulated), then and in either such event it is my will that any and all right, title and interest of the City of Burlington in and to said homestead premises and said residuary

portion of my estate shall cease and terminate, and in such event I do give, devise and bequeath my said homestead premises and any buildings standing thereon, and all the residuary portion of my estate, unto my Executors, and their successors, IN TRUST, to use said homestead premises and any and all buildings thereon and the residuary portion of my estate, for the founding, erection, maintenance and endowment of a home for indigent aged men, to be known as "THE ELIHU B. TAFT HOME FOR AGED MEN"; and in such event I give my Executors and their successors, authority to cause a corporation to be formed under the laws of the State of Vermont for the purpose of receiving and holding this devise and bequest and accomplishing the objects thereof.

I name CLARENCE P. COWLES, EDMUND C. MOWER, HENRY B. SHAW, LEVI P. SMITH and HARVEY T. RUTTER, to be incorporators and trustees of such corporation, with power of succession.

I appoint CLARENCE P. COWLES and EDMUND C. MOWER, my EXECUTORS.

Burlington, Vermont, January 19th, 1927.

.....Elihu B. Taft.....

SIGNED, SEALED, PUBLISHED and DECLARED by the above named ELIHU B. TAFT, as and for his LAST WILL AND TESTAMENT in the presence of us, who in his presence and in the presence of each other, and at his request, and by his express direction have hereunto subscribed our names as witnesses thereto at the City of Burlington, Vermont, this 19th day of January, A.D., 1927.

Clarence P. Cowles
Edmund C. Mower
Henry B. Shaw
Levi P. Smith
Harvey T. Rutter

C O D I C I L T O W I L L.

B E I T K N O W N that I, ELIHU B. TAFT, of the City of Burlington, County of Chittenden, and State of Vermont, declare this to be a first CODICIL to my LAST WILL AND TESTAMENT, which bears date of January 19, 1927.

In the event that the school-house provided for in my Will shall not for any reason be accepted and built, then and in that event instead of giving all of my estate for the establishment and maintenance of a Home for Indigent Aged Men, as provided in my Will, I do give and bequeath to the CITY OF BURLINGTON such sum of money not to exceed SIXTY THOUSAND (\$60,000) DOLLARS as may be needed to build a court-house for the City Court of the City of Burlington, and the residue of my estate to be used for the purpose of establishing and maintaining a Home for Indigent Aged Men, as provided in my Will.

In the event that neither a school-house nor City Court house is accepted by the City of Burlington, within two years after the probate of my Will, then it is my will that all of my estate, both real and personal, be used by my EXECUTORS for the establishment of a Home for Indigent Aged Men as provided in my Will.

In all other respects I ratify and confirm my said LAST WILL AND TESTAMENT.

I M W I T N E S S W H E R E O F, I hereunto set my hand and seal at the said City of Burlington, on this 29th day of October, A. D. 1928.

Elihu B. Taft

SIGNED, SEALED, PUBLISHED AND DECLARED by the above named ELIHU B. TAFT, as and for a CODICIL to his LAST WILL AND TESTAMENT in the presence of us, who in his presence and in the presence of

each other, and at his request, and by his express direction,
have hereto subscribed our names as witnesses thereto at
the City of Burlington, Vermont, this 27th day of
October, A. D. 1928.

Edmund C. Mowbray

Asa B. Bowditch

Charles B. Bowditch

LAST WILL AND TESTAMENT.

I, ELIHU B. TAFT, of the City of Burlington, make this my LAST WILL AND TESTAMENT revoking all other Wills made by me.

I leave nothing to my legal heirs.

I leave nothing in my Will to my faithful house-keeper, Alice Hurson, as I have otherwise provided for her.

I direct my Executors, within one year after my death, to erect a monument on my cemetery lot, like the sketch I leave herewith of light colored Barre granite with four corner posts of the same stone with a plain letter "T" on them.

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8. 13. 5

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portion of my estate shall cease and terminate, and in such event I do give, devise and bequeath my said homestead premises and any buildings standing thereon, and all the residuary portion of my estate, unto my Executors, and their successors, I N T R U S T, to use said homestead premises and any and all buildings thereon and the residuary portion of my estate, for the founding, erection, maintenance and endowment of a home for indigent aged men, to be known as "THE ELIHU B. TAFT HOME FOR AGED MEN"; and in such event I give my Executors and their successors, authority to cause a corporation to be formed under the laws of the State of Vermont for the purpose of receiving and holding this devise and bequest and accomplishing the objects thereof.

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I appoint CLARENCE P. COWLES and EDMUND C. MOWER, my EXECUTORS.

Burlington, Vermont, January 19th, 1927.

....Elihu B. Taft.... 

SIGNED, SEALED, PUBLISHED and DECLARED by the above named ELIHU B. TAFT, as and for his LAST WILL AND TESTAMENT in the presence of us, who in his presence and in the presence of each other, and at his request, and by his express direction have hereunto subscribed our names as witnesses thereto at the City of Burlington, Vermont, this 19th day of January, A.D., 1927.

.....Clarence P. Cowles.....
.....Edmund C. Mower.....
.....Henry B. Shaw.....
.....Levi P. Smith.....
.....Harvey T. Rutter.....

C O D I C I L T O W I L L .

B E I T K N O W N that I, ELIHU B. TAFT, of the City of Burlington, County of Chittenden, and State of Vermont, declare this to be a first CODICIL to my LAST WILL AND TESTAMENT, which bears date of January 15, 1927.

In the event that the school-house provided for in my Will shall not for any reason be accepted and built, then and in that event instead of giving all of my estate for the establishment and maintenance of a Home for Indigent Aged Men, as provided in my Will, I do give and bequeath to the CITY OF BURLINGTON such sum of money not to exceed SIXTY THOUSAND (\$60,000) DOLLARS as may be needed to build a court-house for the City Court of the City of Burlington, and the residue of my estate to be used for the purpose of establishing and maintaining a Home for Indigent Aged Men, as provided in my Will.

In the event that neither a school-house nor City Court house is accepted by the City of Burlington, within two years after the probate of my Will, then it is my will that all of my estate, both real and personal, be used by my EXECUTORS for the establishment of a Home for Indigent Aged Men as provided in my Will.

In all other respects I ratify and confirm my said LAST WILL AND TESTAMENT.

I N W I T N E S S W H E R E O F, I hereunto set my hand and seal at the said City of Burlington, on this 29th day of October, A. D. 1928.

Elihu B. Taft

SIGNED, SEALED, PUBLISHED AND DECLARED by the above named ELIHU B. TAFT, as and for a CODICIL to his LAST WILL AND TESTAMENT in the presence of us, who in his presence and in the presence of

each other, and at his request, and by his express direction,
have hereunto subscribed our names as witnesses thereto at
the City of Burlington, Vermont, this 29th day of
October, A. D. 1928.

Edmund C. Mowbray

C. F. Brownell

Walter C. Lewis

